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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/943,211   | 08/30/2001  | Per Magne Hoff       | 032868-005          | 8840             |
| 27045  | 7590        | 01/27/2006           | EXAMINER            |                  |
| ERICSSON INC.<br>6300 LEGACY DRIVE<br>M/S EVR C11<br>PLANO, TX 75024 |             |                      | GENACK, MATTHEW W   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2645                |                  |

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                   |              |
|------------------------------|-------------------|--------------|
| <b>Office Action Summary</b> | Application No.   | Applicant(s) |
|                              | 09/943,211        | HOFF ET AL.  |
|                              | Examiner          | Art Unit     |
|                              | Matthew W. Genack | 2645         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 October 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4 and 6-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 and 6-13 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9-10 recite the phrase "the SGSN." There is insufficient antecedent basis for this phrase in these Claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 6, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et. al., U.S. Patent Application Publication 2004/0015937.

Regarding Claims 1 and 6, Martinez et. al. discloses a method for distributed management Signaling Connection Control Point (SCCP) procedures for a plurality of interconnected nodes that are part of a packet-based network such as the Internet, said procedures pertaining to network traffic levels and avoiding congestion; each node services a plurality of users (Abstract, [0002], [0005], [0036]-[0037], [0072]-[0073], Figs. 1-2, 6-7). Messages are classified in terms of importance, each message containing an Importance Value (IV) that may be extracted from it by the nodes ([0077], [0087], Fig.

7). Generally, messages from known subscribers are treated as being of higher importance than messages from unknown subscribers. A received message is thus one of two types, one type corresponding to an IV greater than the congestion level of the node (in which case the message is further processed in SCCP), and a second type corresponding to an IV less than or equal to the congestion level of the node (in which case the message is either discarded or treated according to certain protocols) ([0088]). A message of the second type is further distinguished according to whether or not said message's IV is below the threshold discard level, said message processed directly if its IV is below the threshold discard level, and discarded if above said threshold discard level ([0089]).

Regarding Claim 12, Martinez *et. al.* discloses the use of a plurality of message processing protocols (each procedure with a corresponding threshold) ([0036], [0088]-[0089]). Therefore, the receipt of a plurality of message types can be handled with a second (or third, fourth, etc.) threshold in the manner disclosed.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez *et. al.* in view Haumont *et. al.*, U.S. Patent No. 6,233,458.

Martinez *et. al.* does not expressly disclose the handling of situations whereby the a SGSN is re-started.

Haumont *et. al.* teaches that a SGSN may need to be shut down after a malfunction or due to a high level of traffic in a packet-switched communication network (Column 4 Lines 31-49, Column 6 Lines 7-13, Fig. 6).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Martinez *et. al.* by providing for the procedures of said invention to be performed after a switch off and switch on of a SGSN.

One of ordinary skill in the art would have been motivated to make this modification so as to ensure the smooth transition of information transfer after a SGSN re-start (Haumont *et. al.*: Column 4 Lines 31-32).

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez *et. al.* in view of Maruyama *et. al.*, U.S. Patent No. 6,430,272.

Martinez *et. al.* does not expressly disclose the incorporation of a local temporary logical link identity associated with a particular user terminal into a message.

Maruyama *et. al.* discloses a procedure for processing messages according to a user's wishes at a message processing apparatus in a communication system (Abstract, Column 1 Lines 6-14, Column 2 Lines 25-33). Said procedure includes the step of receiving a message having header information that indicates said message's type (regarding said message's content, sender's identity, etc.) (Column 9 Lines 20-29). It is determined whether or not the frequency of message managing operations

associated with the receipt of messages by the user's information terminal, said messages having a predetermined characteristic, exceeds a threshold (Column 6 Line 33 to Column 7 Line 8). Messages having a certain characteristic may be handled normally (retained) if they are received at a frequency below a threshold, and deleted if they are received at a frequency above a said threshold (Column 30 Lines 9-56, Fig. 36). Furthermore, Maruyama *et. al.* discloses the use of predicate logical equations, associated with messages, in the execution of the procedure for message switching involving comparisons to a threshold (Column 2 Lines 40-54, Column 3 Lines 17-31, Column 10 Lines 38-52).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Martinez *et. al.* by incorporating local temporary logical link identities associated with particular user terminals into messages.

One of ordinary skill in the art would have been motivated to make this modification in order to provide means by which a plurality of message processing procedures suitable for various users are easily met (Maruyama *et. al.*: Column 2 Lines 25-35).

8. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez *et. al.* in view of Ekman *et. al.*, U.S. Patent No. 5,960,355.

Applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as the Ekman *et. al.* reference at the time that this invention was made, or was subject to a joint research agreement at the time this invention was made. However, the Ekman *et. al.* reference

additionally qualifies as prior art under another subsection of 35 U.S.C. 102, and therefore, is not disqualified as prior art under 35 U.S.C. 103(c).

Applicant may overcome the applied art either by a showing under 37 CFR 1.132 that the invention disclosed therein was derived from the invention of this application, and is therefore, not the invention "by another," or by antedating the applied art under 37 CFR 1.131.

*Martinez et. al.* does not expressly disclose the handling of situations whereby a BSS is re-started.

*Ekman et. al.* discloses a method pertaining to a wireless telecommunication system (Abstract, Column 5 Lines 18-30, Fig. 1). Procedures for handling the restart of a radio base station are disclosed (Column 9 Line 66 to Column 10 Line 13, Fig. 4).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of *Martinez et. al.* by providing for the procedures of said invention to be performed after a restart of the BSS.

One of ordinary skill in the art would have been motivated to make this modification so as to ensure the smooth transition of information transfer after a SGSN re-start, namely, to avoid redundant information transfers and to avoid the loss of information intended for a given user.

9. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Martinez et. al.* in view of *En-Seung et. al.*, U.S. Patent No. 6,892,306.

*Martinez et. al.* does not expressly disclose the use of an encrypted header.

En-Seung *et. al.* discloses a digital cryptograph and encryption process used in the context of a digital content transmission system (Abstract, Column 4 Lines 46-51). The invention may be used with wireless communication systems (Column 6 Lines 37-53, Fig. 2). En-Seung *et. al.* discloses the use of an encrypted header field along with an unencrypted header field (Column 12 Lines 38-67, Figs. 12-13).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Martinez *et. al.* by providing for a message that may have a second header that may be encrypted, and if the message frequency is below the threshold and the second header is not encrypted, handling the message in the normal way, and if the second header is encrypted, deleting the message associated with said second header.

One of ordinary skill in the art would have been motivated to make this modification because of the necessity of adequately dealing with messages that may either be malicious or not intended for the receiving party.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew W. Genack whose telephone number is 571-272-7541. The examiner can normally be reached on FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Genack

Examiner

Art Unit 2645

*Matthew Genack*  
13 January 2006



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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600